

## REMARKS

### Status of the Claims

Originally filed claims 1-4 and previously presented claims 5-14, 16-28 and 29 are pending and stand rejected under 35 U.S.C. §103(a) as allegedly obvious in light of Brogger in view of Etherington. Applicant respectfully traverses.

### The Invention

The invention in various embodiments teaches a system that uses computer comparison of a signature to one or more different signatures stored for an indicated signer. In specific embodiments, the invention includes allowing a user to indicate different curved surfaces and a computer system performs a signature comparison using that indication.

### Response to rejection over United States Patent N° 6309690 (Brogger)

Applicant reaffirms and incorporates herein previous responses to rejections in light of Brogger. All of the discussion in Brogger is directed to placing an identifying mark using microparticles on a particular object and later using that mark to verify the identity of that particular object. Brogger discusses that the microparticles can be placed in a “dot” or can be included in ink that is used to sign the object. Brogger does not discuss comparing one signature with one or more reference signatures.

The Examiner’s interpretation of Brogger remains not correct. In all cases, Brogger discusses making an image of a “particular object” which includes a microparticle marking and may also include a signature and later comparing the image of that particular object with ITSELF. Thus, Brogger does not suggest any way that a signature on a object can be verified except by specially marking and scanning the object at the time of signing.

The present invention, by contrast, allows a signature on an object to be verified using computer scanning even if the object was not specially marked or scanned at the time the autograph was placed on the object. The present invention thus uses one or more stored images to verify that a new signature is authentic.

Thus, Brogger discusses identifying a particular individual item by the addition of a mark that is unique to that particular individual item and that can be applied to various surfaces, including curved surfaces. Brogger does not teach or mention the computerized matching of signatures as that term is generally understood in the art and as it is used in the application. Matching of signatures generally

indicates comparing one signature with one or more different samples of signatures from the same person. Applicants claims are directed to this type of signature matching.

Additionally Brogger teachings away by teaching the use of the unique mark as the primary identifying item and comparison of the mark with a recorded image of the mark itself, with out regard to the actual veracity of the signature. Further Brogger does not contemplate comparison of their own mark with anything but itself, thus any concept of comparison with a separate selected set of stored signatures is not discussed in Brogger.

The abstract of Brogger makes clear that Brogger is directed to marking an individual item with some type of special computer readable mark in order to later identify that particular item.

“A system and method using microcoded marks provides retrospective identification of articles. An article is marked with microparticles having multiple layers. The particles form a unique spatial pattern on the article. An image is made of the mark as applied to the article. The digitized image is stored in a database with information about the article. The database can be accessed by users to verify the authenticity of an article.” Brogger ‘690, Abstract

#### **Response to rejection over United States Patent N° 5257320 (Etherington)**

In the present Office Action, the Examiner has newly cited Etherington, asserting that because Etherington teaches “at least one of the signature have been signed in the different instant in time...” the references can be combined to render the pending claims unpatentable. Applicant strongly traverse.

Firstly, the Examiner has not addressed the limitation present in independent claims related to selecting the type of collectible surface on which the suspected signature is inscribed in order to facilitate signature verification.. Nothing in either reference even vaguely suggests this limitation. Therefore the two references, even if they could be combined, do not contain all the elements of the rejected claims, and the rejection should be withdrawn.

Furthermore, Etherington discusses a system for authenticating a signature on an instrument such as a check or credit card, where the check or credit card contains some type of code recorded on it that is derived from previous instances of signatures. Thus, Etherington, to some extent like Brogger, verifies a signature on an object with reference to a code placed on that object. The following passages from Etherington illustrate this, with all emphasis added:

“...means for producing a reference set of measure values representative of the signature of a person from at least one sample thereof and means for producing a code indicative of the set of

values...Preferably a number of sample signature (e.g. 6) are scanned and the resultant code is a function of all the signatures so as to take into account random variations in the true signature...

The recording of the code or an encrypted version thereof on a suitable record medium may be by any of several available commercial methods dependent on the application e.g. by printing on a cheque, by embossing on a credit card, by laser or magnetic recording on a strip of recording material on the record medium. ...verification apparatus for use with a record medium which bears the code which as been produced by said encoding apparatus and then recorded by some means as previously described. Also the verification apparatus is for use with a medium bearing the submitted signature. The verification apparatus comprises means for reading the code on the record medium, means for generating a first signal indicative of the extended features of the reference signature represented by the code, means for reading a submitted signature, means responsive to said reading means for generating a second signal representing the extended features of the submitted signature, means for comparing the first signal with the second signal and means for indicating the result of the comparison....Using the above system, the verification apparatus need not be connected to a computer and can be a "stand alone" device since the record medium bears the code which described the reference signature and thus does not require a computer signature data-base.

### Comparison to independent claims

Thus, Brogger and Etherington, even if combinable, entirely fail to suggest non-obvious elements to each of the independent claims.

With respect to claim 1, the references do not suggest or render obvious: (1) selecting the type of collectible surface on which the suspected signature is inscribed or (2) comparing the scanned image of the suspected signature with a selected set of stored signatures at the central computer.

With respect to claim 7, the references do not suggest or render obvious: (1) selecting a type of collectible surface on which said suspected signature is inscribed or (2) comparing said scanned image with a selected set of stored signatures at least one of said selected set signed at a different instant by said signer at said central computer to determine whether the suspected signature is authentic or not authentic.

With respect to claim 18, the references do not suggest or render obvious: (1) comparing said scanned image with a selected set of stored signatures at said central computer to verify or authenticate signatures of celebrities; artists; or athletes that have been scribed onto flat or curved or spherical or irregularly shaped collectible objects.

With respect to claim 19, the references do not suggest or render obvious: (1) said central computer is able to compare the suspected signature with a set of authentic reference signatures at least one signature having been signed at a different instant from said suspected signature to verify a signature on a collectible.

With respect to claim 26, the references do not suggest or render obvious: (1) said system allows authenticating a suspected signature on a collectible by comparison with a set of reference signatures including at least one reference signature signed at a different instant from said suspected signature quickly without having to transport the collectible.

With respect to claim 29, , the references do not suggest or render obvious: (1) comparing the suspected signature with a set of authentic reference signatures at least one signature having been signed at a different instant from said suspected signature.

In view of the foregoing, Applicants believes all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

#### **RESPONSE TO OBVIOUSNESS REJECTION UNDER 35 U.S.C. §103(A)**

The pending claims were rejected under 35 U.S.C. §103(a) as allegedly obvious in light of the single cited references. Applicant has overcome this rejection above, but further wishes to respectfully reminded the Examiner that it is the Examiner's burden to show from the prior art a suggestion or motivation for making a combination or modification of prior art references to reject the claims. An obviousness rejection requires citation of a teaching or suggestion in the prior art to modify references

The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification. [emphasis added] *In re Fritch*, 23 USPQ 2d 1780, 1783-1784 (Fed. Cir. 1992)

In the present instance, the references both individually and together teach away from the claimed invention. In BOTH cases, the references discuss a system where a signed object is verified by applying some type of special mark or code TO THAT OBJECT. Brogger has been discussed previously. Etherington discusses that one or more reference signatures are encoded and that a code is placed on the check or credit card or other instrument and that code is read and compared to the signature on that instrument.

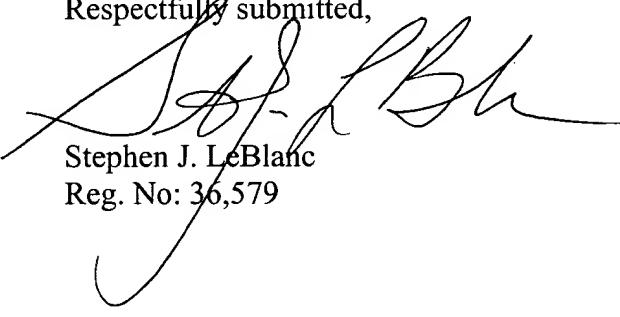
Neither Brogger or Etherington discuss storing a set of reference signatures at a central computer for comparison to a signature made at another time. Neither discuss selecting different surfaces in order to aid signature. The entire scheme of Etherington depends on the fact that an object in relation to which a signature will be verified (such as a check or credit card) is pre-recorded with a code based on that signature. The Examiner has provided no suggestion from the art for modifying Etherington to apply to collectable objects. Such a modification is not suggested by a combination with Brogger. Such a modification is in fact highly impractical in that there is no practical way that a collectable item (such as a football or baseball or jersey) would be pre-recorded with coded data indicating a celebrity's signature. The rejections should therefore be withdrawn.

**REQUEST FOR TELEPHONE INTERVIEW**

If the Examiner believes the claims are not allowable after reviewing this invention,  
**APPLICANT RESPECTFULLY REQUESTS** a telephone conference with the examiner at the earliest possible time. The Examiner is requested to telephone the undersigned at (510) 769-3508.

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Respectfully submitted,

  
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